

### REMARKS

Applicants have amended the claims to more precisely define the present invention and distinguish over the prior art. In particular, there are three independent claims pending in the subject application, claims 32, 33 and 34. All three of these claims deal with a method wherein images are obtained by a photographer at a customer event. In addition, these images are sequenced and captioned and then stored on a memory for allowing remote access over a public network using a client browser.

The present invention is directed to photographers that take images at customer events, such as weddings, graduations, athletic contests, parties or other gatherings with the intent of selling image products to the customer and others interested in the event. The problem often encountered with such situations is that after the event only the individuals that would be interested in purchasing image products go to geographically dispersed locations. This often requires the need to physically send proof prints to customers at various locations in order for them to decide which images to purchase. The present invention solves this and many associated problems by providing a system where the photographer captures images and places them onto a server wherein the photographer sequences and labels the images for review by customers over a public network using client browsers. The present invention not only allows this remote access by various individuals over a public network, it also provides them in a format, i.e. label and sequencing, which makes it easier for the potential purchaser to review the images. This is in total contrast to the references cited by the Examiner.

The Examiner has rejected claims 33, 10, 16-17, 19-20 under 35 USC § 102(e) as being anticipated by Maniwa (5,764,866). Applicants respectfully submit that the '866 patent does not disclose, teach or suggest the present invention. Independent claim 33 as amended, specifically sets forth that a photographer captures images at a customer event. The '866 reference to Maniwa is directed to a network scanning system which utilizes a single scanning device such as a copier which is accessible by a number of different workstations/host machines. The Examiner states that the '866 reference teaches sequencing and capturing of the electronic photographic images and refers to Fig. 6. Applicants respectfully submit that this is not accurate. In this regard, Applicants refer the

Examiner to column 17, lines 3-10 where it discusses the formatting of the images so that it is appropriate when uploaded to the workstation 3. Thus, this is distinguished in two respects: One, there is no sequencing and labeling at the server as taught and claimed by Applicants. Furthermore, the formatting that is discussed in the '866 reference is not sequencing and labeling of individual images, but the providing of the image in a format that is suitable for use at the workstation. Clearly, the formatting of the Maniwa reference is totally apart and distinct from the present invention. The formatting of the '866 patent is directed to providing the image in an appropriate displayable format for the workstation. So on this basis alone, it could not anticipate the present invention. Furthermore, there is nothing in the remaining portion of the patent that teaches the sequencing and captioning and storing of the images at the order server as taught and claimed by Applicants. Quite the contrary, the '866 patent is directed to scanning of the images for later use at the workstation. The workstation is not the same as the server.

Furthermore, there is no public network accessible by a browser as contemplated by the present invention. While the '866 reference at column 22, discusses other network environments, it does not teach or suggest a public network accessible by a browser. Quite the contrary, it discusses the providing of various network and multi-vendor environments that can be used for building a network scanner system of the present invention to create a comprehensive digital processing system. In public communication network, as claimed in the present invention, there is no building of a network system. The public network system, such as the internet, requires no building by the operator. Thus, this reference does not each or suggest a system to which the present invention is directed.

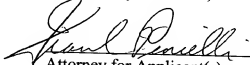
From the foregoing, it can be see that the '866 reference lacks many features, i.e. claim limitations as set forth in the claimed invention. The Westmoreland reference does not add any feature that would render Applicants independent claims obvious. The Westmoreland reference is directed simply to the ordering of images that have been placed on a web site. There certainly is no teaching or suggestion that the photographer would obtain images at a customer event and/or any type of sequencing or labeling as taught and claimed by Applicants. The various illustrated images merely illustrate the type of image products that may be ordered. There is no teaching or suggestion of providing the sequence and labeling of images obtained by a photographer at a customer event

or allowing the ability for producing subsets for ordering of image products. U.S. Patent 5,899,890 is also believed to be of little relevance. This merely discloses a retail method of selling over a wide area network. This reference does not teach anything that would render independent claims 32, 33 and 34 obvious.

The Examiner in paragraph 10 rejected claims 3-8, 12, 14-15, 23-32 and 34 under 35 USC § 103(a) as being unpatentable over the '866 patent in view of the '980 and DMW references. As previously discussed, these references fail to teach the limitations previously discussed with respect to the Maniwa reference. The Examiner, on page 6 of the official action, states that while Maniwa does not explicitly disclose the electronic photographic images obtained by a photographer at a customer event, that the use and advantage for using such a photo arrangement is well known to one skilled in the art at the time the invention was evidenced by the teachings of the DMW reference. As previously noted, the DMW reference is merely directed for sale of various images. See page 1 which states "For first time on the W.W. Web a select grouping of genuine photo images will be offered for sale. Each photo is an eight by ten picture placed within a mat frame. Each photograph will come with a certified statement of authenticity, and a limited print run accompanied by a number verifying its place among a limited print run". Thus, it can be seen that the DMW reference is merely directed to selling photos, in particular, limited edition prints which are verified that they are a limited edition run. There is no sequencing and labeling as taught by Applicants nor is there any producing of subsets by the customer as taught and claimed by Applicants. The DMW merely is directed to ordering of photos that are listed in a directory.

In view of the foregoing, Applicants respectfully submit that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

  
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